



Setti D. Warren  
Mayor

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Candace Havens  
Director

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**MEMORANDUM**

Public Hearing Date: September 13, 2011  
Land Use Action Date: November 22, 2011  
Board of Aldermen Action Date: December 5, 2011  
90-Day Expiration Date: December 6, 2011

DATE: September 9, 2011

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development  
Eve Tapper, Chief Planner for Current Planning ET  
Derek Valentine, Senior Land Use Planner

SUBJECT: Petition #169-11, BONNIE AND DAVID RISHIKOF for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a 2-story rear addition, increasing the Floor Area Ratio as of 10/15/11 from .36 to .6; add a shed dormer; reconfigure the front stairs and landing within the front setback at an existing single family residence at 56 WALDORF ROAD, Ward 5, on land known as SBL 54, 47, 3, containing approximately 5,403 sq. ft. of land in a district zoned MULTI- RESIDENCE 1. Ref: Sec. 30-24, 30-23, 30-21(b), 30-15(u)(2), 30-15(t)(1) and (3) of the City of Newton Rev Zoning Ord, 2007.

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



### **EXECUTIVE SUMMARY**

The existing house is a 1930's brick and stucco Tudor. It is located on a lot of 5,403 square feet in a Multi-Residence 1 zone. The house is elevated from the road and has a series of retaining walls and stairs within the front yard setback. The petitioner is proposing an addition to the rear of the structure, which will provide additional space for a larger kitchen area with a master bedroom/bathroom on the second floor above. A shed dormer is proposed for the existing attic, which will allow for an expansion of living space on that level. In order to construct the addition as proposed, the petitioner requires relief to allow an extension of the front landing and stairs within the setback, an FAR above what is allowed by right, and for a dormer greater than fifty percent of the length of the wall below and less than two feet from the end of the wall below. The front façade will remain largely unchanged, except for replacement windows and new stucco.

The Comprehensive Plan encourages modest residential additions on older homes in order to preserve these structures, while updating them to meet the needs of today's families. The petitioner's proposed addition accomplishes this objective, while maintaining the character of the structure.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

1. When reviewing this petition, the Board should consider whether the following apply:
  - a. The expansion of the front landing and stairs, which are nonconforming with respect to front yard setback, is not substantially more detrimental to the neighborhood since the existing landing is already within the front setback and the proposed expansion is modest in size.
  - b. The expansion of the FAR of the proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood, since most of the added bulk is proposed on the rear of the structure and will not be visible from the street.
  - c. The proposed dormer, which is greater than fifty percent of the length of the wall below and closer than three feet from the vertical plane of the wall below is appropriate and will not adversely affect the neighborhood because it is located on the rear of the house and will not be visible from the street. In addition, it is adjacent to an existing structure with a similar shed dormer.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The site is located in a neighborhood between Route 9 and the MBTA right-of-way in Newton Upper Falls. The site is in an area of Multi-Residence 1 zoning between Route 9 and Waldorf Road. Single Residence 2 zoning begins across Waldorf Road from the site. The subject lot is typical of what can be found throughout the neighborhood. Parcels are generally between 5,000 and 10,000 square feet, with a few larger lots adjacent to Route 9. The neighborhood is predominately in single-family residential use, with a few multi-family residences bordering Route 9 to the south of the site.

### B. Site

The site consists of 5,403 square feet of land and the property slopes up from the street.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The property will remain as a single-family residence.

### B. Building and Site Design



Proposed Residence

A two-story, 1,658 square foot addition is proposed on the rear of the structure. A cantilevered bay is proposed on the west façade of the new addition. The new addition would accommodate a larger kitchen area, a mudroom and small bathroom on the first floor and a master bedroom, bathroom and closet on the second floor. The petitioners would like to update an early 20<sup>th</sup> Century floor plan to better accommodate the needs of a modern family. A shed dormer on the rear elevation would expand the attic to provide living space, including two bedrooms and a bathroom. The attic is currently unfinished. The total square footage of the newly

renovated residence would be 3,253 square feet.

Ordinance Z-20 places dimensional controls on dormers above the second story of a structure. The vertical plane of the side wall of any dormer is required to be set back at least three feet from the vertical plane of the wall below. The petitioner is proposing a dormer that it set back two feet from this wall plane. The Planning Department generally recommends increasing the dormer setback so as to avoid the visual appearance as a full third story when viewed from the rear of the structure. However, on this property, the base of the dormer abuts the hip roof of the second floor below. This effectively avoids the appearance of a third story. Also, the dormer is visible from a property on Boylston Street, which itself has a large shed dormer with minimal setback from the vertical plane of the wall below.

The exterior of the building is currently in the style of a classic Tudor of the 1930's. The new design is updated, replacing some of the brick façade with stucco; however, it still respects the style and proportions of the historic structure.

C. Parking and Circulation

The petitioners currently have at least one parking space within the driveway, although not dimensioned on the plan, as well as one parking space in the garage under the house. No changes are proposed to this parking arrangement as part of this petition.

D. Landscape Screening

No additional landscaping is proposed under this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations

The FAR of the structure is .3 where .4 would be allowed by right under the current calculation methods. The proposed addition would bring the FAR up to .48 under the current calculation method.

The existing house would have an FAR of .36 by the calculation methods that go into effect in October, where .57 is allowed by right. The proposed addition would increase the FAR to .6 under the October method. A special permit is required under Newton Zoning Ordinances, Section 30-15(u)(2) to allow the FAR, as proposed.

The existing structure is nonconforming with respect to front yard setback due to the entrance stairs which are located 17.25' from the property line. An expanded front stair and porch area is proposed which would constitute an expansion of this nonconformity. The Commissioner of Inspectional Services has determined that

the reconfigured steps are larger than the minimum size required to provide adequate access to the structure. As a result, these stairs are considered a "structure". Expansion of a nonconforming structure requires a special permit per section 30-21(b).

As required by Sections 30-15(t)(1) and 30-15(t)(3), the applicant must obtain a special permit to construct the dormer as proposed. The dormer on the rear of the structure is greater than 50% of the length of the exterior wall of the next story below and is closer than three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.

The Zoning Memorandum stated that relief was needed to construct the retaining wall within the rear setback because it was going to exceed four feet in height. The proposed retaining wall has since been reduced to four feet and no longer requires relief under Section 30-5(b)(4).

B. Newton Historical Commission.

The proposal underwent administrative review by the Senior Preservation Planner and was determined to be not significant.

C. Engineering Review.

The plans have been submitted for engineering review because there is a proposed net increase of impervious coverage on the site. The Engineering Division of the Public Works Department requires the installation of an on-site drainage system as well as updated water and sewer service for this project. The petitioner should comply with all requirements outlined in the Engineering memo dated August 26, 2011.

In that memo, the Engineering Division requested the submittal of a stamped and signed site plan. One has been provided to the Planning Department and is consistent with the one distributed to the Land Use Committee in advance of the public hearing.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum ("ATTACHMENT C"), the petitioner is seeking the following reliefs:

- Section 30-21(b) to allow an extension of a nonconforming front landing and stairs
- Section 30-15(u)(2) to allow an FAR above what it allowed by right in Section 30-15(u), Table A
- Section 30-15(t)(1) and 30-15(t)(3) to allow a dormer greater than fifty percent of the wall below and two feet from the end of the wall below

VI. PETITIONERS' RESPONSIBILITIES

The petition is complete at this time.

**ATTACHMENTS:**

**ATTACHMENT A: VICINITY ZONING MAP**

**ATTACHMENT B: VICINITY LAND USE MAP**

**ATTACHMENT C: FAR DENSITY ANALYSIS**

**ATTACHMENT D: ZONING REVIEW MEMO**



**ATTACHMENT E: ENGINEERING DEPARTMENT MEMO**

**ATTACHMENT F: DRAFT BOARD ORDER #169-11**

# 56 Waldorf Rd Zoning

*City of Newton,  
Massachusetts*

## Legend

-  Single Residence 2
-  Multi-Residence 1



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

**CITY OF NEWTON, MASSACHUSETTS**  
Mayor - Seth D. Warren  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 Feet

Map Date: September 06, 2011



ATTACHMENT A



# 56 Waldorf Rd Land Use

*City of Newton,  
Massachusetts*

## Legend

-  Single Family Residential
-  Medium Density Residential



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**CITY OF NEWTON, MASSACHUSETTS**  
Mayor - Seth D. Warren  
GIS Administrator - Douglas Greenfield



Map Date: September 06, 2011

ATTACHMENT B





<b>56 Waldorf Rd.</b>			
<b>Neighborhood Comparison Chart (Prepared by Planning Department based on information obtained from the Assessor's Database)*</b>			
<b><u>Address</u></b>	<b><u>Lot Size</u></b>	<b><u>Approx. Sq. Ft.</u></b>	<b><u>Approx. FAR</u></b>
22 Waldorf Rd.	6,718	2,261	(0.34)
26 Waldorf Rd.	5,622	1,459	(0.26)
27 Waldorf Rd.	4,883	2,109	(0.43)
30 Waldorf Rd.	5,830	1,664	(0.29)
33 Waldorf Rd.	3,594	1,816	(0.51)
36 Waldorf Rd.	5,580	2,036	(0.36)
37 Waldorf Rd.	5,300	2,350	(0.44)
41 Waldorf Rd.	8,323	1,673	(0.20)
41 Waldorf Rd.	12,500	2,016	(0.16)
46 Waldorf Rd.	8,323	1,673	(0.20)
52 Waldorf Rd.	5,305	1,673	(0.32)
<b>56 Waldorf Rd.</b>	<b>5,403</b>	<b>1,676</b>	<b>(0.36)</b>
60/62 Waldorf Rd.	5,968	965	(0.16)
<b>Average</b>	<b>6,448</b>	<b>1,867</b>	<b>(0.32)</b>
<b>52 Waldorf Rd. Proposed</b>	<b>5,403</b>	<b>3,253</b>	<b>(0.60 )</b>

\*The above is a rough **approximation** of the actual FAR of these properties. Due to the topography of this neighborhood, many of the other homes have basements which would count to a large degree towards FAR under the new rules. Also, many of these older homes have steeply-pitched roofs and would have additional square footage counted in attic level. These are the most accurate numbers the Planning Department can provide without calculating the FAR for each individual house. Under the current FAR calculation method, this house with the addition would have an FAR of .48, which may be a more meaningful number to consider when comparing to the neighborhood average.



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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ATTACHMENT D

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Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: July 1, 2011

To: John Lojek, Commissioner of Inspectional Services

Fr: Seth Zeren, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning ET

Cc: Timothy Burke, architect representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to allow an increase in FAR, an extension of a nonconforming front setback, a retaining wall greater than four feet in a required setback, and dormers closer than two feet to the end of the wall below and greater than fifty percent of the wall below**

Applicant: David Rishikof	
Site: 56 Waldorf Road	SBL: 54047 0003
Zoning: MR1	Lot Area: 5,403 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

### Background:

The property at 56 Waldorf Road consists of a 5,403 square foot lot improved with a single-family dwelling. The applicant proposes to add on to the front landing and steps, add a two story addition to the rear of the house and add a shed dormer to the attic story. The applicant also proposes a five foot retaining wall at the back of the property to create a backyard space.

The following review is based on plans and materials submitted to date as noted below.

- Architectural plans by Timothy Burke, Architect, unstamped and unsigned, dated 12/8/10
  - X-1: Existing site plan, basement floor plan, first floor plan, second floor plan
  - X-2: Existing elevations
  - A-1: Proposed site plan, first floor plan, second floor plan
  - A-2: Proposed basement plan, attic floor plan
  - A-3: Proposed elevations
- Site plan by Michael P. Antonino, Surveyor, unstamped and unsigned, stated 5/5/11
- Revised existing and proposed site plans showing front setback measurements, Timothy Burke, Architect, unsigned and unstamped, dated 6/23/11

- Existing and proposed FAR worksheets, completed by Timothy Burke, Architect, unsigned, unstamped, undated.

#### ADMINISTRATIVE DETERMINATIONS:

- The property is in the MR1 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	5,403 square feet	No change
Frontage	70 feet	70 feet	No change
Setbacks <ul style="list-style-type: none"> <li>Front</li> <li>Side</li> <li>Rear</li> </ul>	25 feet 7.5 feet 15 feet	<b>17.25 feet</b> 6.4* 37 feet	<b>16.25 feet</b> No change 21.3 feet
FAR**	.57	.36	<b>.6</b>
Building Height	36 feet	29.3 feet	No change
Maximum Stories	2.5	2.5	2.5
Max. Lot Coverage	30%	14%	22%
Min. Open Space	50%	69%	61%

\* Measured from site plan. A chimney and an ornamental arch extend approximately one foot into the side setback. Ornamental features (such as chimneys) may extend up to two feet into the setback.

\*\* Based on the new FAR rules which go into effect October 15, 2011.

- The applicant's site plan shows an expanded and reconfigured front landing and stairs. The proposed stairs are larger than the minimum required for egress and therefore count as a structure for the purposes of the front setback. The house is currently nonconforming with respect to the front setback. The proposed stairs extend closer to the front lot line and therefore represent an extension of a nonconforming structure. The applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b) to build the landing and stairs as proposed.
- The applicant's FAR worksheet shows the proposed structure will have an FAR of .6 where .57 is allowed under the new FAR rules which go into effect on October 15, 2011. The applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2) to build the addition as proposed.
- The applicant's plans show a shed dormer located on the rear of the half story above the second floor. The proposed dormer is greater than fifty percent of the length of the exterior wall of the story next below, and the sides of the dormer are closer than three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer. Per Sections 30-15(t)(1) and 30-15(t)(3) the applicant must obtain a special permit from the Board of Aldermen to build the dormers as proposed.
- The applicant's site plan shows a proposed five foot retaining wall located in the rear setback. Per Section 30-5(b)(4), a retaining wall greater than four feet in height may not be constructed in required a setback without approval of a special permit from the Board of Aldermen.

6. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-21(b)	Allow an extension of a nonconforming front landing and stairs	S.P. per §30-24
§30-15(u)(2)	Allow an FAR above what is allowed by right in Section 30-15(u) Table A	S.P. per §30-24
§30-15(t)(1), §30-15(t)(3)	Allow a dormer greater than fifty percent of the wall below and two feet from the end of the wall below	S.P. per §30-24
§30-5(b)(4)	Allow a retaining wall greater than four feet in height in the rear setback	S.P. per §30-24

**CITY OF NEWTON**  
**ENGINEERING DIVISION**

**MEMORANDUM**

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 56 Waldrof Road

Date: August 26, 2011

CC: Lou Taverna, PE City Engineer (via email)  
Linda Finucane, Associate City Clerk (via email)  
Eve Tapper, Chief Planner (via email)  
Derek Valentine, Planner (via email)

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In reference to the above site, I have the following comments for a plan entitled:

*Proposed Plot Plan*  
*56 Waldrof Road*  
*Newton, MA*  
*Prepared by: Michael Antonino*  
*Dated: 6/23/11*  
*Revised: 7/12/11*

*Executive Summary:*

This proposal has a two story addition being added to an existing single family home, along with a new retaining wall [4-feet high] parallel to the rear property line. The size of the addition triggers the requirement for on site drainage system for the new impervious surface that is being added to the property. Based upon the plans it appears that the dwelling will be gutted and renovated which also requires that the water & sewer services (which are 74 & 75 years old) respectively need to be updated.

Details of the retaining wall are needed; specifically how the drainage from behind the wall will be addressed and the construction of the wall.

The site plan is missing the bearings of the property lines and does not have a Professional Engineers or Registered Land Surveyor stamps affixed to the plans.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, so that the runoff does not impact the abutters. Both volume and rate of runoff must be addressed. On site soil testing is required which would include a deep hole test pit, and a percolation test within 20' of a proposed drainage system.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the homeowners.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer main need to match.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.

3. The new sewer service and/or structures shall be pressure tested or video taped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. The sewer service will NOT be accepted until one of the two methods stated above is completed. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***

Water:

1. The new water service shall be a minimum of 1" Type K copper.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to

cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



DRAFT  
#169-11

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
September 13, 2011

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 2-story rear addition, increasing the Floor Area Ratio as of 10/15/11 from .36 to .6; add a shed dormer; reconfigure the front stairs and landing within the front setback at an existing single family residence, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. When reviewing this petition, the Board should consider whether the following apply:
  - a. The expansion of the front landing and stairs, which are nonconforming with respect to front yard setback, is not substantially more detrimental to the neighborhood since the existing landing is already within the front setback and the proposed expansion is modest in size.
  - b. The expansion of the nonconforming FAR of the proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood, since most of the added bulk is proposed on the rear of the structure and will not be visible from the street.
  - c. The proposed dormer, which is greater than fifty percent of the length of the wall below and closer than three feet from the vertical plane of the wall below is appropriate and will not adversely affect the neighborhood because it is located on the rear of the house and will not be visible from the street. In addition, it is adjacent to an existing structure with a similar shed dormer.

PETITION NUMBER: #169-11

PETITIONER: Bonnie and David Rishikof

LOCATION: 56 Waldorf Road, Section 54, Block 47, Lot 3 containing approximately 5,403 sq. ft. of land

OWNER: Bonnie and David Rishikof

ADDRESS OF OWNER: 56 Waldorf Road, Newton, MA

TO BE USED FOR: Addition to a single family residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Section 30-21(b) to allow an extension of a nonconforming front landing and stairs, Section 30-15(u)(2) to allow an FAR above what it allowed by right in Section 30-15(u), Table A, and Section 30-15(t)(1) and 30-15(t)(3) to allow a dormer greater than fifty percent of the wall below and two feet from the end of the wall below.

ZONING: Multi-Residence 1 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - “Proposed Plot Plan for 56 Waldorf Road in Newton, MA,” dated June 23, 2011, and revised July 12, 2011 signed and stamped by Michael Paul Antonino, Professional Land Surveyor.
  - Architectural drawings as follows “56 Waldorf Road, Newton, MA,” all drawn by Timothy Burke Architecture and dated April 19, 2011, including the following sheets:
    - “A-1, Proposed Floor Plans”
    - “A-2, Proposed Floor and Roof Plans”
    - “A-3, Proposed Elevations”
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
  - a. Recorded a certified copy of this board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

- c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
- 3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.